

AO 91 (Rev. 11/11) Criminal Complaint

~~United States Courts~~
UNITED STATES DISTRICT COURT Southern District of Texas
 for the
 Southern District of Texas
 May 19, 2019

United States of America

v.

David J. Bradley, Clerk of Court

Irving Alexis GUERRERO-Fernandez (Y.O.B. 1994)
 Citizenship: Mexico

Case No. **M-19-1138-M***Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 17, 2019 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

*Code Section**Offense Description*

21 USC § 952
 21 USC § 841

knowingly and intentionally import into the United States from Mexico approximately 43 grams of Oxycodone, a Schedule II controlled substance, approximately 201.3 grams of Xanax, a Schedule IV controlled substance and did knowingly and intentionally possess with the intent to distribute approximately 43 grams of Oxycodone, a and 201.3 grams of Xanax.

This criminal complaint is based on these facts:

See Attachment "A"

☒ Continued on the attached sheet.

Submitted by reliable electronic means, sworn to
 and attested to telephonically per Fed. R. Cr.4.1,
 and probable cause found on:

Shane.R.Petr
 osky
 Digitally signed by
 Shane.R.Petrosky
 Date: 2019.05.18
 16:34:28 -05'00'

Complainant's signature

Shane Petrosky, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/18/2019City and state: McAllen, Texas*Judge's signature*

U.S. Magistrate Judge J. Scott Hacker

Printed name and title

ATTACHMENT A

On May 17, 2019, Irving Alexis GUERRERO-Fernandez attempted to make entry into the United States via the Pharr, Texas Port of Entry while driving a vehicle with passengers Maria Liliana SALINAS and Gilmar GUERRERO. At primary inspection, Customs and Border Protection Officer (CBPO) Christopher Wharram received a computer-generated random compliance notice for agriculture and referred the vehicle and passengers to secondary for further inspection.

At secondary inspection, GUERRERO-Fernandez and SALINAS exited the vehicle with their child. A diaper bag was removed from the vehicle and SALINAS requested to visit the restroom with the diaper bag to change the child's diaper. CBP Agriculture Specialist (CBPAS) Alfonso E. Gonzalez advised SALINAS she could wait a moment because the agriculture inspection was quick and near completion. After searching the vehicle, CBPAS A. Gonzalez searched the diaper bag and discovered a bag containing various improperly packaged pills with no visible prescription. CBPAS A. Gonzalez asked GUERRERO-Fernandez who the pills belonged to and GUERRERO-Fernandez replied they belonged to his wife. SALINAS then stated she had no knowledge of the pills. CBPAS A. Gonzalez ended the agriculture inspection and referred the pill discovery to CBPO Emmanuel Gonzalez.

CBPO E. Gonzalez arrived and questioned GUERRERO-Fernandez as to the type of pills which GUERRERO-Fernandez described as anti-depressants he obtained at a pharmacy in Progreso, Mexico. Due to the type of concealment, CBPO E. Gonzalez prepared to conduct a pat down of GUERRERO-Fernandez and SALINAS for additional pills when GUERRERO-Fernandez removed a plastic bag containing blue pills which were concealed beneath his clothes in the crotch area. GUERRERO-Fernandez then claimed ownership of all of the pills discovered in the diaper bag and on his body and further stated the pills removed from his body were Oxycodone (Oxycodone).

A total of 219 Oxycodone pills were collected weighing a total of 43 grams without packaging. A total of 752 Xanax pills were collected weighing a total of 201.3 grams.